

# NFIP and CRS Administration on the Lummi Indian Reservation



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NORFMA CRS Users Group Meeting  
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# Overview

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- Summary Information about the Lummi Nation
  - Flood Situation on the Reservation
  - Flood Damage Prevention and Mitigation
  - NFIP and CRS Administration
  - Special Issues on the Reservation
  - Advantages and Challenges
  - GAO Report
  - Future Inquiry
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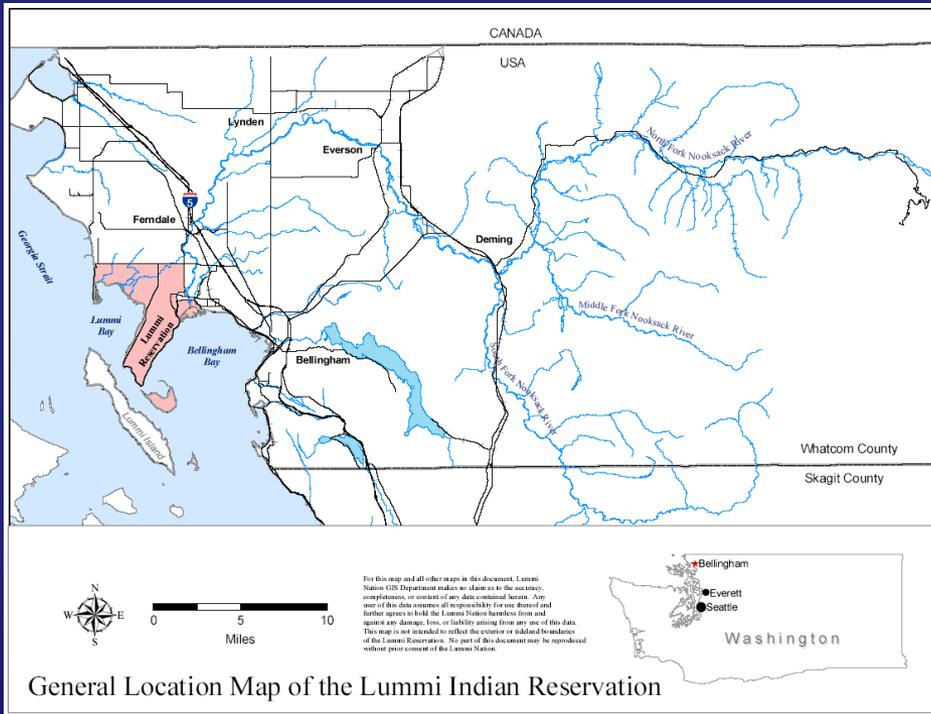
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# Lummi Nation Overview

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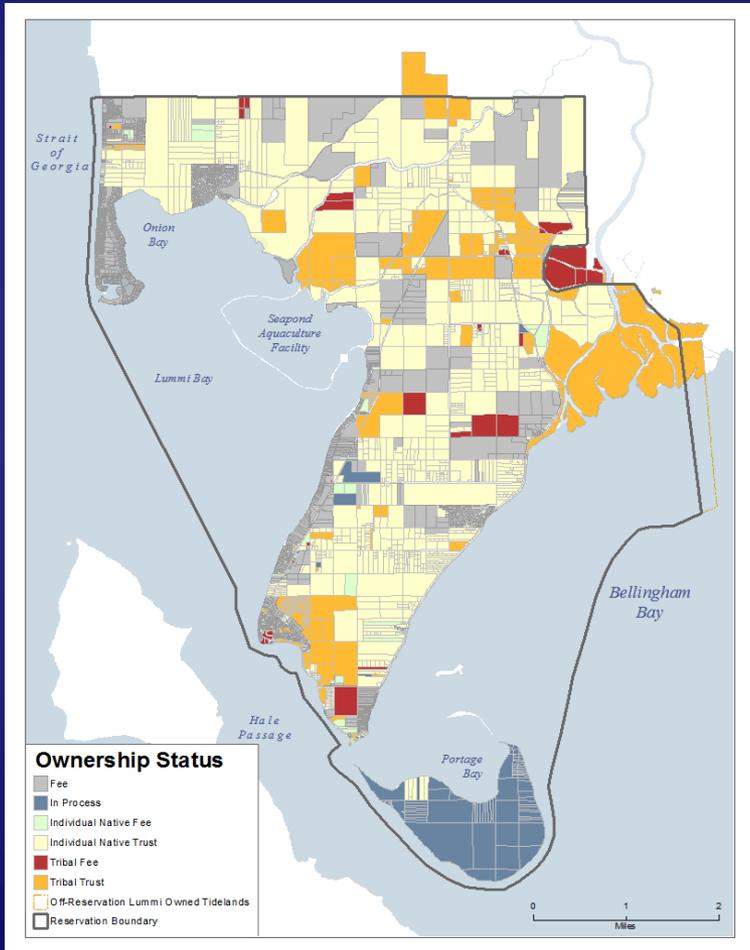
# Brief History – The Reservation



- The Lummi Indian Reservation was created and reserved for the exclusive use of the Lummi people by the 1855 Point Elliot Treaty.
- The Reservation is intended to be a permanent, economically viable homeland for the Lummi people.



# The Lummi Reservation Today



- The Lummi Reservation is comprised of approximately 12,500 acres of upland and about 7,000 acres of tidelands.
- The Lummi Nation and/or enrolled members own about 75 percent of uplands.
- The Lummi Nation owns 100 percent of the tidelands.
- Ownership Status:
  - Trust
  - Individual Trust
  - In Process (fee to trust)
  - Tribal Fee
  - Fee



# Lummi is a Fishing Tribe





# Lummi is a Fishing Tribe





# The Lummi People



- There are approximately 4,650 enrolled Lummi tribal members.



- Approximately 2,650 tribal members live on Reservation – the remainder live in the region or elsewhere.



# The Lummi Government

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- The Lummi Nation is a sovereign government and has been since time immemorial.
  - The Lummi Nation was one of ten tribes nationally that initiated the Self-Government Demonstration Project (1988).
  - The Lummi Nation is governed by an elected 11 member Lummi Indian Business Council, various commissions, and the General Council (all voting enrolled members).
  - There are numerous departments (e.g., Cultural, Economic Development, Police, Education, Health, Planning, Natural Resources), an independent Tribal Court system, and a Lummi Tribal Sewer and Water District.
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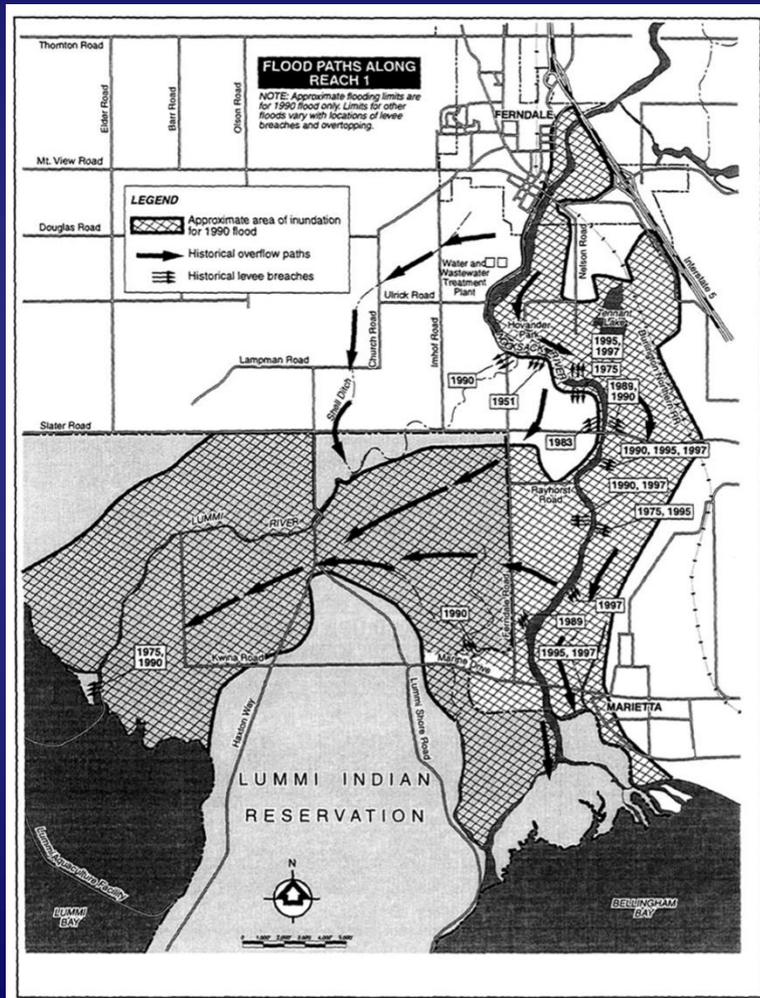
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# Flooding Situation on the Lummi Indian Reservation

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# Riverine Flooding

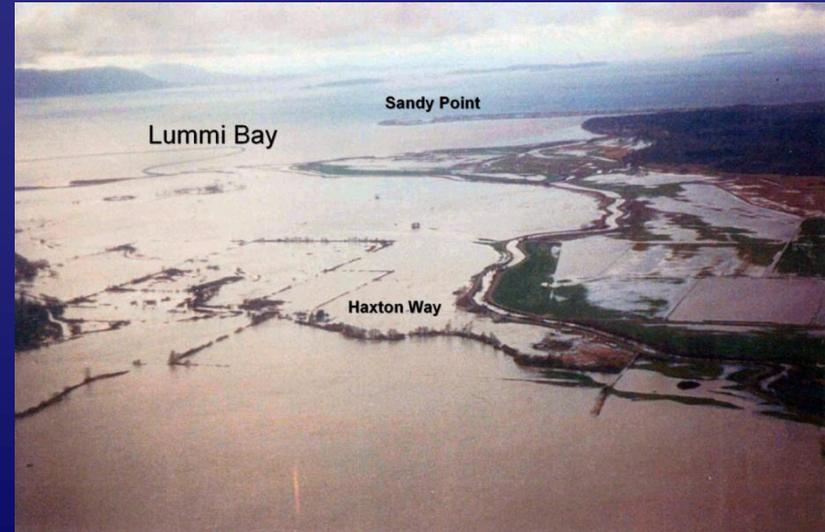


- The Nooksack River is a regular source of flooding; mostly in October through February.
- Damage to residences, roads, Natural Resources Department facilities
- Road closures (Marine Drive, Slater Road) are common annually throughout the rainy months; Haxton Way floods if levee breached or overtopped.



# Riverine Flooding

- Recent major floods:
  - November 10, 1990: 100-year Flood
  - November 24, 1990: 100-year Flood
  - January 1-4, 1997: Levee overtopped due to ice dam.
  - October 18, 2003: 10-year Flood
  - October 21, 2003: 10-year Flood
  - November 7, 2006: 10-year Flood
  - January 8, 2009: 50-year Flood







# Coastal Flooding

- Recent major floods:
  - December 2000
  - December 2001
  - January 2003
  - November 2003
  - February 2006



Sandy Point Flood Damage  
December 15, 2000



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# Flood Damage Prevention and Mitigation

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# Planning Efforts

- 1997:
  - Flood Plain Regulations: Lummi Code of Laws Title 15A
  - Membership in NFIP – Emergency Phase
  
- 2001: Flood Damage Reduction Plan
  
- 2004:
  - Final FIRMs issued (preliminary in 1999, 2002, 2003)
  - Regular Phase of NFIP
  - Flood Damage Reduction Plan became part of the Lummi Nation Multi-Hazard Mitigation Plan 2004 (updates 2007 and 2010)
  
- 2010: Membership in CRS; Class 8
  
- Next FIRM update probably 2014 – 16



# NFIP/CRS Administration

- Lummi Code of Laws Title 15A : Floodplain Regulation
- NFIP administered through the Lummi Planning Department (LPD); Floodplain Administrator is Director of LPD
- Lummi Natural Resources Department (LNR): technical support; GIS Manager; CRS Coordinator
- Lummi Code of Laws Title 15 – Permit Process:
  - Land Use and Floodplain Development Applications: LPD
  - Review and conditioning by Technical Review Committee (TRC) – LPD, LNR, Cultural Resources Department, Lummi Sewer and Water District, Lummi Police Department, others as needed
  - LPD issues/denies LU permit and separate Floodplain Development Permit for proposals located in floodplains.



# NFIP/CRS Stats

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- Approx. 4,706 residents on Reservation – tribal members and non-members
  - 1,939 residences, 36 community buildings (2011) on Reservation
  - SFHA: Approx. 9,124 acres
  - 520 buildings in Floodplain, 400 on fee land
  - 171 policies (under the Lummi Community Number)
  - Mostly Residential, Governmental-Commercial, Private-Commercial, No Heavy Industry
  - Approx. 2,750 acres of flood plain designated by the Tribal government for the Lummi Nation Wetland and Habitat Mitigation Bank and habitat restoration projects
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# Special Considerations

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- The Reservation has a limited land base.
    - Parcels were assigned to families.
    - Parcels can have highly divided ownership through inheritance of assigned parcels.
  - Jurisdictional Issues: County claims jurisdiction over fee lands owned by non-Indians on Reservation
    - Issuance of insurance policies under County Community Number with better CRS rating for fee lands. Access to grandfathering rates only for fee lands.
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# Advantages and Challenges

- Advantages:
  - Small Area: Building stock and construction “visible”
  - Detailed GIS data about building stock and terrain
  - Most major developments are tribal and “accessible” for floodplain planning
- Challenges:
  - Limited land base/assigned parcels: Not able to avoid development in floodplain
  - Jurisdictional/cooperative issues with County; most residential buildings in floodplain on fee land
  - Many tribal members cannot afford NFIP premiums
  - No full-time NFIP/CRS staff



# GAO Report

- GAO Report issued January 2013:  
*Flood Insurance – Participation of Indian Tribes in Federal and Private Programs*  
<http://www.gao.gov/products/GAO-13-226>
- Why do only 37 of 566 federally recognized Indian tribes participate in the NFIP?  
(5 tribes holding 82% of policies)
- Conclusions:
  - Lack of mapping in rural areas
  - Lack of tribal administrative capacity
  - Affordability of premiums
  - Status of Indian lands; regulation authority



# Future Inquiry/Goals

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- Acquire more information about NFIP policies on the Reservation
    - Store and retrieve information using the tribal GIS system
  - Acquire information about rates and group insurance options identified in GAO report
  - Second staff member to become CFM
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## More Information:

- LNR Website (Water Resources Division – Multi-Hazard Mitigation):  
<http://lnnr.lummi-nsn.gov/LummiWebsite/Website.php?PageID=72>
  - Lummi Nation Atlas: [www.lummi-nsn.gov](http://www.lummi-nsn.gov)
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